

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

KENNY GONZALEZ,)

Case No. 1:23-MJ- 55 (DJS)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of February 9, 2023 in the county of Ulster County in the Northern District of New York

the defendant violated:

Code Section

Title 21, United States Code, Sections
841(a)(1), (b)(1)(B) and 846

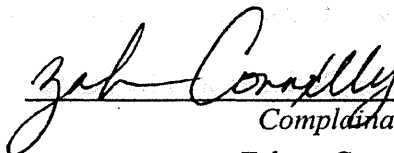
Offense Description

Conspiracy to Possess With Intent to Distribute a Controlled
Substance, 500 grams or more of cocaine

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.



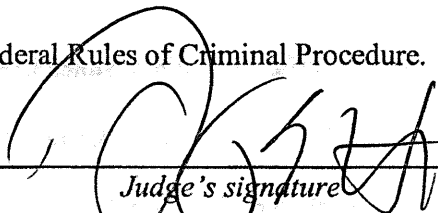
Complainant's signature

Zahraa Connelly, DEA TFO

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 2/10/2023



Judge's signature

City and State: Albany, NY

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Zahraa Connelly, being duly sworn, do hereby depose and state as follows:

INTRODUCTION AND OFFICER BACKGROUND

1. I have been with Drug Enforcement Administration Task Force Officer (“DEA TFO”) in Albany, New York since 2019. I have been involved with numerous investigations of narcotics and narcotics trafficking. I attended the New York State Basic Police Academy in 2013 for approximately 22 weeks and have participated in investigations ranging from but not limited to crimes against revenue and property, elderly abuse, and organized crimes, including drug trafficking.

2. This affidavit is intended to show merely that there is probable cause for a complaint, and consequently it does not set forth all of my knowledge about the matters under investigation. Where statements of others are related in this affidavit, they are related in substance and in part. I submit this affidavit in support of a criminal complaint charging KENNY GONZALEZ (“GONZALEZ”) with a violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B) and 846 (Conspiracy to Possess With Intent to Distribute a Controlled Substance (500 grams or more of cocaine)).

STATUTES

3. Title 21, United States Code, Section 841(a)(1) provides, in pertinent part, that: “It shall be unlawful for any person knowingly or intentionally ... possess with intent to manufacture, distribute, or dispense, a controlled substance.... Title 21, United States Code, Section 846 provides, in pertinent part, that “Any person who attempts or conspires to commit any offense defined in this subchapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.”

BASES FOR A PROBABLE CAUSE FINDING

Investigation

4. In December 2022, members of the DEA began investigating the drug trafficking activities of Co-Conspirator A who was identified by DEA as a cocaine distributor operating in the New York City area who would drive to various areas in the Northern District of New York to supply cocaine re-distributors in the Northern District of New York.

5. Pursuant to this investigation, I reviewed license plate reader data for Co-Conspirator A and GONZALEZ's respective vehicles, an Infiniti and White BMW. License plate reader data indicated that on multiple occasions during 2022 and, as recently as January 2023, both vehicles traveled in tandem from the New York City area to the Northern District of New York, where they remained for only minutes, before returning to the New York City area. Based on my experience with drug trafficking investigations in the Northern District of New York, I know that New York City is a source city for cocaine that is ultimately purchased in the Northern District of New York. Further, based additionally on my knowledge of this investigation, it is my informed opinion that Co-Conspirator A and GONZALEZ were working together to transport cocaine from the New York City area for sale to cocaine re-distributors in the Northern District of New York, given the patterns reflected in the license plate reader data for their vehicles.

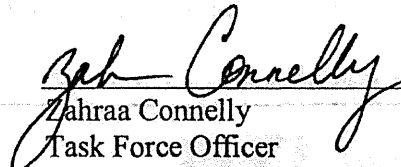
February 9, 2023 Surveillance

6. Pursuant to this investigation, on February 9, 2023, law enforcement was conducting surveillance of GONZALEZ and Co-Conspirator A in and around Long Island, New York, in the Eastern District of New York. Law enforcement observed Co-Conspirator A driving the Infiniti and GONZALEZ driving the White BMW in tandem from Suffolk County, New York to Queens, New York. During this drive, both vehicles were being operated in a manner consistent with counter

surveillance techniques to evade law enforcement detection (e.g. drive at a high rate of speed, low rate of speed, weaving in and out of traffic; unexplained, random stops).

7. At approximately 10:40 a.m., both vehicles stopped on Woodside Avenue in Queens, New York. Approximately ten minutes later, a blue BMW arrived and parked near both vehicles. An unidentified male ("Supplier A") exited the blue BMW holding a green bag and entered the White BMW. Approximately, five minute later, Supplier A exited the White BMW without the green bag and walked away from the location. Thereafter, the White BMW and Infiniti left the location and proceeded north toward the Northern District of New York, driving in tandem. Based on my training and experience, and my knowledge of this investigation, it is my informed opinion that Supplier A delivered controlled substances to GONZALEZ for Co-Conspirator A and GONZALEZ to re-distribute in the Northern District of New York.

8. At approximately 1:30 p.m., law enforcement conducted a traffic stop of both the Infiniti and the White BMW Ulster County , in the Northern District of New York. Co-Conspirator A was operating the Infiniti and GONZALEZ was identified as the operator of the White BMW. Law enforcement conducted an exterior K-9 search of both vehicles. The K-9 made a positive indication for the presence of controlled substances in both vehicles. Upon an initial, cursory search of the White BMW, law enforcement located the green bag which appeared to be the same green bag that Supplier A left in the White BMW during the suspected drug transaction in Queens, New York discussed in detail above. Underneath the front passenger seat of the White BMW, law enforcement located a black bag containing what was, in my training and experience, approximately two kilograms of suspected cocaine wrapped in saran wrap. The substance was field tested and tested positive for cocaine. The substance was also weighed and determined to weigh approximately 2115.5 grams with packaging. Also located in the driver side door of the white BMW were 85


Zahraa Connelly
Task Force Officer
DEA

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on February 10 2023 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



oxycodone tablets in plastic tie-off bag. Below is a photo of the cocaine recovered from GONZALEZ's White BMW:



9. Based on my training and experience with drug trafficking investigations, the weight of cocaine, two kilograms, is inconsistent with personal use and the characteristics and packaging of the cocaine, brick form wrapped in saran wrap and aluminum wrap, indicates possession of bulk amounts of cocaine for re-distribution. Therefore, based on my training and experience, and knowledge of this investigation, it is my informed opinion that GONZALEZ possessed the cocaine located in his White BMW for the purpose of re-distribution, rather than personal use.

10. Based on the foregoing, your affiant submits that there is probable cause to conclude that GONZALEZ has violated Title 21, United States Code, Sections 841(a)(1), (b)(1)(B) and 846 (Conspiracy to Possess With Intent to Distribute a Controlled Substance (Cocaine)) by knowingly and intentionally possessing 500 grams or more of a controlled substance, cocaine, with the intent to distribute it, and conspiring with another person in the commission of that offense.

Attested to by the affiant.